

Message Text

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ACTION NEA-11

INFO OCT-01 EUR-12 ISO-00 SOE-02 AID-05 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 DOE-15 H-01 INR-10 INT-05
L-03 NSAE-00 NSC-05 OMB-01 PM-05 ICA-11 OES-07
SP-02 SS-15 STR-07 TRSE-00 ACDA-12 /139 W
-----070400 211714Z /15

R 190322Z MAY 78
FM AMEMBASSY TEHRAN
TO SECSTATE WASHDC 8452
INFO AMEMBASSY DOHA
AMEMBASSY JIDDA
AMEMBASSY KUWAIT
AMEMBASSY LONDON
AMEMBASSY MANAMA
AMEMBASSY MUSCAT

C O N F I D E N T I A L TEHRAN 04805

E.O. 11652: GDS
TAGS: ENRG, EINV, TC, IR, UR, US
SUBJ: TAX AND ROYALTY PROBLEM FOR CRESCENT PETROLEUM

REF: (A) STATE 122746, (B) TEHRAN 3404

1. WE ARE PREPARED TO RAISE THE CRESCENT PETROLEUM PROBLEM
AT THE APPROPRIATE POLITICAL LEVEL (REF A), BUT WE WOULD
FIRST LIKE TO BE MORE CERTAIN OF OUR FACTS.

2. ALTHOUGH NIOC IS ALLEGED TO BE TAKING A FIRM POSITION
ON RETROACTIVE PAYMENTS TO JULY 1, 1976, AND NEW TAX AND
ROYALTY RATES (REF B), WE HAVE ONLY THE CHARGES OF
INTERESTED PARTIES THAT IN FACT NIOC IS THE DRIVING FORCE
BEHIND THE EFFORTS TO CHANGE THE CONDITIONS OF CRESCENT'S
OPERATIONS. SECONDLY, DESPITE OUR RECOMMENDATION THAT
COMPANY OFFICIALS OR REPRESENTATIVES COME TO IRAN TO MAKE
THEIR CASE BEFORE NIOC, WE NOTE THAT ELY AND ROOSEVELT DID
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NOT COME HERE AND HAVE NOT, TO BEST OF OUR KNOWLEDGE,
HAD ANY DIRECT CONTACT WITH NIOC.

3. WE BELIEVE CONSEQUENTLY THAT WE ARE NOT IN A STRONG
POSITION TO APPROACH GOI--WE ARE NEITHER ABSOLUTELY
CERTAIN OF THE FACTS AND WOULD BE THE POINT MAN
FOR AN EXERCISE THE COMPANY PROPERLY OUGHT TO UNDERTAKE,

IF WE RAISE SUBJECT AT GOVERNMENTAL LEVEL WITHOUT PRIOR COMPANY-TO-COMPANY DISCUSSIONS, WE RISK SERIOUSLY FURTHER HARDENING OF NIOC/GOI POSITION AT THE OUTSET WITH LITTLE FUTURE RECOURSE EXCEPT TO THE SHAH. IT WOULD BE FAR BETTER AND EFFECTIVE IF WE WERE TO BEAR IN AFTER CRESCENT HAS NARROWED THE ISSUES AND PROBED HOW MUCH, IF ANY, FLEXIBILITY THERE IS. WE NOTE FOR EXAMPLE (PARA 4, REF B) THAT NIOC MAY BE PREPARED TO NEGOTIATE ON THE PERIOD OF RETROACTIVITY AND THE RECORD INDICATES CRESCENT HAS SOME ELASTICITY AS WELL ON THIS FACTOR.

4. THEREFORE, WE REITERATE OUR RECOMMENDATION THAT CRESCENT SEND ITS REPRESENTATIVES TO TEHRAN TO DISCUSS SITUATION WITH NIOC. IF THESE DISCUSSIONS BEAR OUT THE SHARJAH ALLEGATION THAT NIOC IS THE REAL SOURCE OF INTRANSIGENCE IN THE NEGOTIATIONS, WE WILL THEN BE PREPARED TO ACT. CRESCENT CAN BE INFORMED THAT WE WILL BE PREPARED TO SUPPORT THEIR CASE WITH GOI ONCE THEY HAVE CLEARLY ESTABLISHED BY CONVERSATIONS HERE IN TEHRAN THAT NIOC IS TRULY THE SOURCE OF THEIR PROBLEM.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PETROLEUM INDUSTRY, TAXES
Control Number: n/a
Copy: SINGLE
Draft Date: 19 may 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978TEHRAN04805
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780214-0478
Format: TEL
From: TEHRAN
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780539/aaaabgnh.tel
Line Count: 83
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b278179a-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: ONLY
Reference: 78 STATE 122746, 78 TEHRAN 3404
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2631887
Secure: OPEN
Status: NATIVE
Subject: TAX AND ROYALTY PROBLEM FOR CRESCENT PETROLEUM
TAGS: ENRG, EINV, TC, IR, UR, US, CRESCENT PETROLEUM
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/b278179a-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014